

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-12-158
-vs-)	
)	DECISION
RICHARD JAMES PETERSON,)	
)	
Defendant.)	

On December 8, 2016, the District Court revoked the Defendant's deferred sentence for violating the conditions of probation and sentenced the Defendant to the Montana State Prison for a term of twenty-five (25) years, for the offense of Sexual Intercourse Without Consent, a felony, in violation of §45-5-503(1), MCA. The Court ordered a restriction that the Defendant not be eligible for parole until he completes Sex Offender Program Phases I and II. The Court ordered this sentence to run consecutively to the sentence in Cause No. DC-16-066. It was further ordered that in addition to the conditions of parole or probation as noted in the Judgment, the Defendant must also comply with all requirements imposed by the Court's Judgment of January 30, 2014. The Court granted the Defendant credit for two hundred ninety-nine (299) days served in custody pending final disposition in this matter.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4th day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day
of June, 2017, to:

Clerk of District Court (Original)
Richard James Peterson #3013333, Defendant (2)
Hon. Robert Allison
Brent Getty, Defense Counsel
Travis Ahner, Esq
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division